

UNITED STATES OF AMERICA,)	
)	OBJECTION IN PART TO
Plaintiff,)	GOVERNMENT’S MOTION
)	FOR PROTECTIVE ORDER
v.)	
DEVIN DUTSON,)	Case No. 19CR171
)	
Defendant.)	Hon. ALAN JOHNSON

Grounds for the objection are that after the conclusion of the case, including any appeals, the defendant may proceed with seeking further relief pursuant to 28 U.S.C. § 2255. While 28 U.S.C. § 2255(f) provides for a one year limitation, that limitation runs from the last of, (1) when a judgment of conviction becomes final, (2) an impediment on making the motion is removed, (3) the date a retroactively applicable right is recognized by the United States Supreme Court, or, (4) the date on which facts supporting the claim or claims could have been discovered through due diligence. Under any one of these circumstances, some of which may occur many years after the ‘conclusion of the case’ it may be necessary for the defendant or defense counsel to access

the discovery.

Further, it has been the experience of defense counsel that the United States does not keep the discovery of cases indefinitely. There have been occasions where the United States has requested defense counsel to provide information from cases no longer in the possession of the United States.

Therefore, it is requested in lieu of the language sought by the United States, the protective order provide, ““at the conclusion of this case, including any appeals, the Defendants and defense counsel may return to the government all discovery materials, including any copies thereof; or, may retain the discovery and any copies in a secure facility or by a secure method for such time as deemed appropriate and prudent, and thereafter destroy the discovery.”

DATED this October 3, 2019.

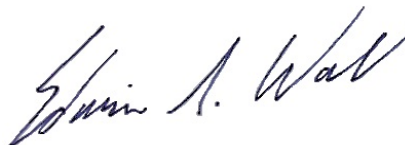


Edwin S. Wall
Attorney for the Defendant

CERTIFICATE OF SERVICE

I, Edwin S. Wall, hereby certify that on October 3, 2019, I served a copy of the attached OBJECTION IN PART TO GOVERNMENT'S MOTION FOR PROTECTIVE ORDER upon the counsel for the Plaintiff in this matter by CM/ECF or, if not available, by mailing it by first class mail with sufficient postage prepaid to the following address:

Eric Heimann, Esq. AUSA
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2120 Capitol Avenue, Suite 4000
Cheyenne, WY 82001



Edwin S. Wall,
Attorney for the Defendant